IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH
WRIT PETITION NO : 186 of 2004

Between:
P. Eshwaramma, W/o. Late P. Mallaiah, Pallam Harijana Wada, Pallam (PO), Yerpedu (M),
Chittoor District.

..... PETITIONER

AND

1 Mothers Committee, Rep. by its President Mrs. M.Chandrakala, Anganwadi Centre, Pallam Harijanawada,
Pallam (PO), Yerpedu (M), Chittoor District.
2 The Supervisor, Anganwadi Centre, Pallam Harijanawada, Pallam PO,
Yerpedu (M), Chittoor District.
3 The Child Development Project Officer, CCDS, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents resolution dated 23.09.2003 passed by the Mothers Committee, Pallam Harijanawada Anganwadi Centre, Pallam Post, Yerpedu Mandal, Chittoor District by unilaterally terminating the Petitioner without affording any opportunity whatsoever as illegal, arbitrary and in violation of principles of natural justice and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to continue the services of the petitioner in the post of Anganwadi Worker, Pallam Harijanwada Anganwadi Centre, Pallam Post, Yerpedu Mandal, Chittoor District

Counsel for the Petitioner:MR.J.SRINADH REDDY

Counsel for the Respondents : GP FOR WOMEN DEV. & CHILD WELFARE

The Court made the following :

O R D E R:

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The petitioner questions the action of the 1st respondent in terminating her services pursuant to the resolution, dated 23.09.2003.

It is the case of the petitioner that she was appointed as Anganwadi Helper in the year 1996 at Pallam Harijanwada Anganwadi Centre, Pallam Post, Yerpedu Mandal, Chittor District. On 23.09.2003 the 1st respondent issued termination orders to the petitioner on the ground that she has committed several irregularities and also on the ground that her services are only temporary. As the said termination orders are issued to the petitioner without giving any notice and the respondent authorities are trying to appoint another worker in her place, this writ petition is filed.

The learned counsel appearing for the petitioner submits that removal of the petitioner is not simplicitor. The allegation was that the petitioner was not working properly and therefore, the Committee unanimously resolved to remove the services of the petitioner. The removal of the service of a temporary employee without casting any stigma cannot be find fault with, but the services of a temporary employee also cannot be removed casting a stigma on her conduct. It is also stated that terminating the services of the

petitioner casting a stigma on her conduct will dis-entitle her to secure any alternative employment. Therefore, it is stated that such stagnating orders without giving any notice is illegal and un-sustainable.

It is well settled that termination or removal of the services of a temporary employee cannot be interfered with by this Court in exercise of the jurisdiction of this Court under Article 226 of the Constitution of India, if the said removal is made without attributing any stigma on the conduct of the employee. But as there is a stigma on the conduct of the petitioner, the removal of the petitioner from the service without giving any notice is illegal.

For the aforesaid reasons, the writ petition is allowed setting aside the removal order passed by the 1st respondent, dated 23.09.2003. However, it is open for the respondents to issue a notice to the petitioner and take appropriate action against her in accordance with law. No costs.

25.08.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Mothers Committee, represented by its President Mrs. M.Chandrakala, Anganwadi Centre, Pallam Harijanawada, Pallam (PO) Yerpedu (M) Chittor District.

2. The Supervisor, Anganwadi Centre, Pallam Harijanawada, pallam PO, Yerpedu (M) Chittor District.

3. The Child Development Project Officer, CCDS, Chittor, Chittor District.

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